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7 United States of America

8 **UNITED STATES DISTRICT COURT**
9 **SOUTHERN DISTRICT OF CALIFORNIA**

10 UNITED STATES OF AMERICA	) Criminal Case No. 08CR0337-H
11)
12 Plaintiff,)
13	) GOVERNMENT'S MOTION FOR
14 v.	) RECIPROCAL DISCOVERY
15)
16 JOSE LOPEZ-SANCHEZ	) TOGETHER WITH STATEMENT OF
a.k.a. Enrique Lopez-Arroyo,	) THE CASE AND MEMORANDUM OF
FERNANDO OSUNA-HERNANDEZ,	) POINTS AND AUTHORITIES
16 JOSE FRANCISCO PEREZ-GOMEZ,)
17 Defendant.	) Date: March 24, 2008
	) Time: 2:00 p.m.
	) Court: The Hon. Marilyn L. Huff

18 COMES NOW the plaintiff, UNITED STATES OF AMERICA, by and through its counsel, Karen
19 P. Hewitt, United States Attorney, and Rebekah W. Young, Assistant United States Attorney, and
20 hereby files its Motion for Reciprocal Discovery. This motion is based upon the files and records of the
21 case together with the attached Statement of the Case and Memorandum of Points and Authorities.

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I

STATEMENT OF THE CASE

On February 7, 2008, a federal grand jury in the Southern District of California returned a three-count Indictment charging defendants Jose Lopez-Sanchez a.k.a. Enrique Lopez-Arroyo, Fernando Osuna-Hernandez, and Jose Francisco Perez-Gomez with Conspiracy to Distribute Marijuana, in violation of 21 U.S.C. §§ 841(a)(1) and 846, and Possession of Marijuana with Intent to Distribute, in violation of 21 U.S.C. § 841(a)(1). In count three of the Indictment, defendant Lopez-Sanchez was further charged with Deported Alien Found in the United States, in violation of 8 U.S.C. §1326. On February 7, 2008, all three defendants were arraigned on the Indictment and entered a plea of not guilty.

III

GOVERNMENT'S MOTION FOR RECIPROCAL DISCOVERY**A. All Evidence That Defendant Intends To Introduce In His Case-In-Chief**

The Government is entitled to reciprocal discovery under Rule 16(b)(1). Pursuant to Rule 16(b)(1), the Government requests that Defendant permit the Government to inspect, copy and photograph any and all books, papers, documents, photographs, tangible objects, or make copies or portions thereof, which are within the possession, custody, or control of Defendant and which Defendant intends to introduce as evidence in his case-in-chief at trial.

The Government further requests that it be permitted to inspect and copy or photograph any results or reports of physical or mental examinations and of scientific tests or experiments made in connection with this case, which are in the possession and control of Defendant, which he intends to introduce as evidence-in-chief at the trial, or which were prepared by a witness whom Defendant intends to call as a witness. The Government also requests that the Court make such order as it deems necessary under Rules 16(d)(1) and (2) to ensure that the Government receives the reciprocal discovery to which it is entitled.

B. Reciprocal Jencks – Statements By Defense Witnesses (Other Than Defendant)

Rule 26.2 provides for the reciprocal production of Jencks material. Rule 26.2 requires production of the prior statements of all witnesses, except a statement made by Defendant. The time frame established by Rule 26.2 requires the statements to be provided to the Government after the

1 witness has testified. However, to expedite trial proceedings, the Government hereby requests that
2 Defendant be ordered to provide all prior statements of defense witnesses by a reasonable date before
3 trial to be set by the Court. Such an order should include any form in which these statements are
4 memorialized, including but not limited to, tape recordings, handwritten or typed notes and reports.

5 **IV**

6 **CONCLUSION**

7 For the foregoing reasons, the Government respectfully requests that the motion for reciprocal
8 discovery be granted.

9 DATED: March 21, 2008

11 Respectfully Submitted,

12 KAREN P. HEWITT
13 United States Attorney

14 /s/ **Rebekah W. Young**
15 REBEKAH W. YOUNG
16 Assistant U.S. Attorney

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,	)	Criminal Case No. 08CR0337-H
)	
Plaintiff,)	
)	
v.)	
)	
JOSE LOPEZ-SANCHEZ	)	CERTIFICATE OF SERVICE
a.k.a. Enrique Lopez-Arroyo,)	
FERNANDO OSUNA-HERNANDEZ,)	
JOSE FRANCISCO PEREZ-GOMEZ,)	
)	
Defendant.)	
_____)	

IT IS HEREBY CERTIFIED THAT:

I, REBEKAH W. YOUNG, am a citizen of the United States and am at least eighteen years of age. My business address is 880 Front Street, Room 6293, San Diego, California 92101-8893.

I am not a party to the above-entitled action. I have caused service of **GOVERNMENT'S MOTION FOR RECIPROCAL DISCOVERY** on the following parties by electronically filing the foregoing with the Clerk of the District Court using its ECF System, which electronically notifies them.

Kris Kraus
Gary Burcham
Charles Rees

I hereby certify that I have caused to be mailed the foregoing, by the United States Postal Service, to the following non-ECF participants on this case:

None

the last known address, at which place there is delivery service of mail from the United States Postal Service.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on March 21, 2008.

/s/ Rebekah W. Young
REBEKAH W. YOUNG
Assistant U.S. Attorney